

Part 3

Statewide Referenda

20A-7-301 Referendum -- Signature requirements -- Submission to voters.

- (1)
 - (a) A person seeking to have a law passed by the Legislature submitted to a vote of the people shall obtain:
 - (i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of this state for all candidates for President of the United States at the last regular general election at which a President of the United States was elected; and
 - (ii) from each of at least 15 counties, legal signatures equal to 10% of the total of all votes cast in that county for all candidates for President of the United States at the last regular general election at which a President of the United States was elected.
 - (b) When the lieutenant governor declares a referendum petition sufficient under this part, the governor shall issue an executive order that:
 - (i) directs that the referendum be submitted to the voters at the next regular general election; or
 - (ii) calls a special election according to the requirements of Section 20A-1-203 and directs that the referendum be submitted to the voters at that special election.
- (2) When a referendum petition has been declared sufficient, the law that is the subject of the petition does not take effect unless and until it is approved by a vote of the people at a regular general election or a statewide special election.
- (3) The lieutenant governor shall provide to any interested person from the official canvass of the last regular general election at which a President of the United States was elected:
 - (a) the cumulative total of all votes cast by voters of this state for all candidates for President of the United States; and
 - (b) for each county, the total of all votes cast in that county for all candidates for President of the United States.

Amended by Chapter 17, 2011 General Session

20A-7-302 Referendum process -- Application procedures.

- (1) Persons wishing to circulate a referendum petition shall file an application with the lieutenant governor within five calendar days after the end of the legislative session at which the law passed.
- (2) The application shall contain:
 - (a) the name and residence address of at least five sponsors of the referendum petition;
 - (b) a certification indicating that each of the sponsors:
 - (i) is a voter; and
 - (ii) has voted in a regular general election in Utah within the last three years;
 - (c) the signature of each of the sponsors, attested to by a notary public; and
 - (d) a copy of the law.

Amended by Chapter 153, 1995 General Session

20A-7-303 Form of referendum petition and signature sheets.

- (1)
 - (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION To the Honorable _____, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No. _____, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the _____ Session of the Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election;

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name."

(b) The sponsors of a referendum shall attach a copy of the law that is the subject of the referendum to each referendum petition.

(2) Each signature sheet shall:

- (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- (b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;
- (c) contain the title of the referendum printed below the horizontal line;
- (d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the referendum;
- (e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single-leaded type:

"It is a class A misdemeanor for anyone to sign any referendum petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign a referendum petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

- (f) contain horizontally ruled lines, three-eighths inch apart under the "Warning" statement required by this section; and
- (g) be vertically divided into columns as follows:
 - (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;
 - (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";
 - (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered Voter";
 - (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)"; and
 - (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code";
- (h) spanning the sheet horizontally beneath each row on which a registered voter may submit the information described in Subsection (2)(g), contain the following statement printed or typed in not less than eight-point, single-leaded type:

"By signing this petition, you are stating that you have read and understand the law this petition seeks to overturn."; and

- (i) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

- (3) The final page of each referendum packet shall contain the following printed or typed statement:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am a Utah resident and am at least 18 years old;

All the names that appear in this packet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

(Name) (Residence Address) (Date)"

- (4) The forms prescribed in this section are not mandatory, and, if substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

Amended by Chapter 329, 2014 General Session

20A-7-304 Circulation requirements -- Lieutenant governor to provide sponsors with materials.

- (1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate referendum packets that meet the form requirements of this part.
- (2) The lieutenant governor shall furnish to the sponsors:
- (a) a copy of the referendum petition; and
 - (b) a signature sheet.
- (3) The sponsors of the petition shall:
- (a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and
 - (b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.
- (4)
- (a) The sponsors may prepare the referendum for circulation by creating multiple referendum packets.
 - (b) The sponsors shall create those packets by binding a copy of the referendum petition, a copy of the law that is the subject of the referendum, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.
 - (c) The sponsors need not attach a uniform number of signature sheets to each referendum packet.
- (5)
- (a) After the sponsors have prepared sufficient referendum packets, they shall return them to the lieutenant governor.
 - (b) The lieutenant governor shall:
 - (i) number each of the referendum packets and return them to the sponsors within five working days; and
 - (ii) keep a record of the numbers assigned to each packet.

Amended by Chapter 153, 1995 General Session

20A-7-305 Obtaining signatures -- Verification -- Removal of signature.

- (1) A Utah voter may sign a referendum petition if the voter is a legal voter.
- (2)
 - (a) The sponsors shall ensure that the person in whose presence each signature sheet was signed:
 - (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and
 - (ii) verifies each signature sheet by completing the verification printed on the last page of each referendum packet.
 - (b) A person may not sign the verification printed on the last page of the referendum packet if the person signed a signature sheet in the referendum packet.
- (3)
 - (a)
 - (i) A voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed.
 - (b) The statement shall include:
 - (i) the name of the voter;
 - (ii) the resident address at which the voter is registered to vote;
 - (iii) the last four digits of the voter's Social Security number;
 - (iv) the driver license or identification card number; and
 - (v) the signature of the voter.
 - (c) A voter may not submit a statement by email or other electronic means.
 - (d) In order for the signature to be removed, the statement must be received by the county clerk before the day which is 55 days after the end of the legislative session at which the law passed.
 - (e) The county clerk shall deliver all statements received under this Subsection (3):
 - (i) with the referendum petition packets to the lieutenant governor; or
 - (ii) in a supplemental delivery to the lieutenant governor for a statement submitted after the county clerk delivered the referendum petition packets.
 - (f) A person may only remove a signature from a referendum petition in accordance with this Subsection (3).

Amended by Chapter 17, 2011 General Session

20A-7-306 Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

- (1)
 - (a) No later than 40 days after the end of the legislative session at which the law passed, the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated.
 - (b) A sponsor may not submit a referendum packet after the deadline established in this Subsection (1).
- (2)
 - (a) No later than 55 days after the end of the legislative session at which the law passed, the county clerk shall:
 - (i) check the names of all persons completing the verification on the last page of each referendum packet to determine whether or not those persons are Utah residents and are at least 18 years old; and

- (ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.
- (b) The county clerk may not certify a signature under Subsection (3) on a referendum packet that is not verified in accordance with Section 20A-7-305.
- (3) No later than 55 days after the end of the legislative session at which the law passed, the county clerk shall:
 - (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-306.3;
 - (b) certify on the referendum petition whether each name is that of a registered voter; and
 - (c) deliver all of the verified referendum packets to the lieutenant governor.
- (4) Upon receipt of a referendum packet under Subsection (3) and any statement submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the referendum petition a voter's signature if the voter has requested the removal in accordance with Subsection 20A-7-305(3).

Amended by Chapter 17, 2011 General Session

20A-7-306.3 Verification of petition signatures.

- (1)
 - (a) For the purposes of this section, "substantially similar name" means:
 - (i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;
 - (ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;
 - (iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or
 - (iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.
 - (b) For the purposes of this section, "substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.
- (2) The county clerk shall use the following procedures in determining whether or not a signer is a registered voter:
 - (a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.
 - (b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:
 - (i) the address on the petition matches the address of a person on the official register with a substantially similar name; and
 - (ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(b)(i).

- (c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:
 - (i) the birth date or age on the petition matches the birth date or age of a person on the official register with a substantially similar name; and
 - (ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(c)(i).
- (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.

Amended by Chapter 17, 2011 General Session

20A-7-307 Evaluation by the lieutenant governor.

- (1) When each referendum packet is received from a county clerk, the lieutenant governor shall check off from the record the number of each referendum packet filed.
- (2)
 - (a) After all of the referendum packets have been received by the lieutenant governor and the lieutenant governor has removed the signatures as required by Section 20A-7-306, the lieutenant governor shall:
 - (i) count the number of the names certified by the county clerks that remain on each verified signature sheet; and
 - (ii) declare the petition to be sufficient or insufficient no later than 60 days after the end of the legislative session at which the law passed.
 - (b) If the total number of names counted under Subsection (2)(a)(i) equals or exceeds the number of names required by Section 20A-7-301 and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."
 - (c) If the total number of names counted under Subsection (2)(a)(i) does not equal or exceed the number of names required by Section 20A-7-301 or a requirement of this part is not met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."
 - (d) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.
- (3)
 - (a) If the lieutenant governor refuses to accept and file any referendum petition, any voter may apply to the supreme court for an extraordinary writ to compel the lieutenant governor to do so within 10 days after the refusal.
 - (b) If the supreme court determines that the referendum petition is legally sufficient, the lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in the lieutenant governor's office.
 - (c) If the supreme court determines that any petition filed is not legally sufficient, the supreme court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.
- (4) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Amended by Chapter 17, 2011 General Session

20A-7-308 Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

- (1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the Office of Legislative Research and General Counsel.
- (2)
 - (a) The Office of Legislative Research and General Counsel shall:
 - (i) entitle each state referendum that has qualified for the ballot "Proposition Number ____" and give it a number as assigned under Section 20A-6-107;
 - (ii) prepare an impartial ballot title for the referendum summarizing the contents of the measure; and
 - (iii) return the petition and the ballot title to the lieutenant governor within 15 days after its receipt.
 - (b) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall be not more than 100 words.
 - (c) The ballot title and the number of the measure as determined by the Office of Legislative Research and General Counsel shall be printed on the official ballot.
- (3) Immediately after the Office of Legislative Research and General Counsel files a copy of the ballot title with the lieutenant governor, the lieutenant governor shall mail a copy of the ballot title to any of the sponsors of the petition.
- (4)
 - (a)
 - (i) At least three of the sponsors of the petition may, within 15 days of the date the lieutenant governor mails the ballot title, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the Supreme Court.
 - (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to send notice of the appeal to:
 - (A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or
 - (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.
 - (b)
 - (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the referendum.
 - (ii) The Supreme Court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is patently false or biased.
 - (c) The Supreme Court shall:
 - (i) examine the ballot title;
 - (ii) hear arguments; and
 - (iii) certify to the lieutenant governor a ballot title for the measure that meets the requirements of this section.
 - (d) The lieutenant governor shall certify the title verified by the Supreme Court to the county clerks to be printed on the official ballot.

Amended by Chapter 367, 2010 General Session

20A-7-309 Form of ballot -- Manner of voting.

- (1) The county clerks shall ensure that the number and ballot title verified to them by the lieutenant governor are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.
- (2)
 - (a)
 - (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."
 - (ii) The law that is the subject of the referendum takes effect if a majority of voters mark "For."
 - (b)
 - (i) A voter desiring to vote against the law that is the subject of the referendum petition shall mark the square adjacent to the word "Against."
 - (ii) The law that is the subject of the referendum does not take effect if a majority of voters mark "Against."

Amended by Chapter 294, 2010 General Session

20A-7-310 Return and canvass -- Conflicting measures -- Law effective on proclamation.

- (1) The votes on the law proposed by the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
- (2) After the state board of canvassers completes its canvass, the lieutenant governor shall certify to the governor the vote for and against the law proposed by the referendum petition.
- (3)
 - (a) The governor shall immediately issue a proclamation that:
 - (i) gives the total number of votes cast in the state for and against each law proposed by a referendum petition; and
 - (ii) declares those laws proposed by a referendum petition that were approved by majority vote to be in full force and effect as the law of Utah.
 - (b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, he shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.
- (4)
 - (a) Within 10 days after the governor's proclamation, any qualified voter who signed the referendum petition proposing the law that is declared by the governor to be superseded by another measure approved at the same election may apply to the Supreme Court to review the governor's decision.
 - (b) The Supreme Court shall:
 - (i) consider the matter and decide whether or not the proposed laws are in conflict; and
 - (ii) certify its decision to the governor.
- (5) Within 10 days after the Supreme Court certifies its decision, the governor shall:
 - (a) proclaim all those measures approved by the people as law that the Supreme Court has determined are not in conflict; and
 - (b) of all those measures approved by the people as law that the Supreme Court has determined to be in conflict, proclaim as law the one that received the greatest number of affirmative votes, regardless of difference in majorities.

Amended by Chapter 367, 2010 General Session

20A-7-311 Effective date.

- (1)
 - (a) Any proposed law submitted to the people by referendum petition that is approved by the voters at any election does not take effect until at least five days after the date of the official proclamation of the vote by the governor.
 - (b) Any act or law submitted to the people by referendum that is approved by the voters at any election takes effect on the date specified in the referendum petition.
 - (c) If the referendum petition does not specify an effective date, a law approved by the voters at any election takes effect five days after the date of the official proclamation of the vote by the governor.
- (2)
 - (a) The governor may not veto a law adopted by the people.
 - (b) The Legislature may amend any laws approved by the people at any legislative session after the law has taken effect.

Enacted by Chapter 1, 1994 General Session

20A-7-312 Misconduct of electors and officers -- Penalty.

- (1) It is unlawful for any person to:
 - (a) sign any name other than the person's own to any referendum petition;
 - (b) knowingly sign the person's name more than once for the same measure at one election;
 - (c) sign a referendum knowing the person is not a legal voter; or
 - (d) knowingly and willfully violate any provision of this part.
- (2) It is unlawful for any person to sign the verification for a referendum packet knowing that:
 - (a) the person does not meet the residency requirements of Section 20A-2-105;
 - (b) the person has not witnessed the signatures of those persons whose names appear in the referendum packet; or
 - (c) one or more persons whose signatures appear in the referendum packet is either:
 - (i) not registered to vote in Utah; or
 - (ii) does not intend to become registered to vote in Utah.
- (3) Any person violating this section is guilty of a class A misdemeanor.

Amended by Chapter 253, 2013 General Session